DOCUMENT RESUME

ED 308 519 CS 211 924

AUTHOR Hermanson, Louise Williams
TITLE The Minnesota News Council: A Look at the Beginnings.
PUB DATE Aug 89
NOTE 22p.; Paper presented at the Annual Meeting of the Association for Education in Journalism and Mass Communication (72nd, Washington, DC, August 10-13, 1989).
PUB TYPE Speeches/Conference Papers (150) -- Historical Materials (060) -- Reports - Evaluative/Feasibility (142)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Arbitration; *Journalism History; *Mass Media Role; *Newspapers; Oral History; Voluntary Agencies
IDENTIFIERS *Minnesota Press Council; *News Councils

ABSTRACT

A study evaluated the beginnings of the Minnesota Press Council in 1971, particularly the thinking of those involved in the earliest stages of the formation of the council. Oral history interviews with two people involved in the establishment of the council were supplemented with minutes of meetings and compared to an earlier study of the council to verify factual information. Results of the evaluation indicated that part of the reason for the longevity of the council is the continued support of a "champion for the cause" and lack of extensive philosophical discussion about establishing a press council. Results also indicated that: (1) the Minnesota Newspaper Association board members intended to create an internal discussion group instead of a quasi-legal body; (2) members of the council were chosen for their individual integrity rather than to represent special interests; and (3) newspapers supported the actions of the council, contrary to the expectations of some of the founders of the council. (Forty-nine footnotes are included.) (RS)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED308519

The Minnesota News Council:
a look at the beginnings

Louise Williams Hermanson
University of Minnesota

A paper presented to the History Division of the Association for Education in Journalism and Mass Communication, Washington, D.C., August 1989.

CS211924

BEST COPY AVAILABLE

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Louise W. Hermanson

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

> **All parties are ultimate winners in this dispute resolution procedure, for the process is designed to build bridges of understanding between the news media and the public which they are committed to serve. An editor has an opportunity to explain his desire to serve the community with accurate, reliable, and significant news reports and to make clear the difficult choices he has to make in the selection and presentation of news reports . . . . The Minnesota experience has been that whether the grievant "wins" or "loses," acrimony or frustration tends to diminish and the credibility of the media is enhanced by their demonstrated willingness to engage their critics in a public forum.[1]**

This glowing picture was painted in 1980 by Minnesota Supreme Court Justice C. Donald Peterson, the original chairman of the Minnesota News Council. It reflected the mood of the council nine years after the first case was heard, but does it also reflect the vision of the Minnesota newspaper professionals who created the Minnesota Press Council[2] more than ten years earlier? When the Minnesota Press Council was conceived, there was no American model for what the founders set out to accomplish. The press council idea had been batted around since World War II, but efforts to create a workable, lasting council were sporadic at best. The mention of the concept that the press should be accountable to the public usually elicited fierce opposition from members of the press.[3]

Because news councils provide concrete examples of media accountability under the restraints of the First Amendment, and the Minnesota News Council, the first state-wide press

---

[1] Peterson, C. Donald, "Minnesota news Council: Solving disputes without Courts," 66 American Bar Association Journal 970, 972.

[2] The name of the Minnesota Press Council was changed to the Minnesota News Council when it began hearing complaints about broadcasters in 1977.

[3] Isaacs, Norman E. "Why we lack a national press council," Columbia journalism Review, Fall 1970, pp. 16-26.

council in the country's history,[4] is still functioning, it is important for those interested in media accountability to study its successes and failures. The Minnesota News Council has handled more than 1,000 cases in the seventeen years since its formation, has been responsible for agreements between the public and media representatives in hundreds of those cases and has handed down 76 written determinations in the 18 years since its formation.[5] The existing written records of the Minnesota News Council's attempt to provide media accountability provide some insight into the end product of news councils, but a more interesting and pressing question for those who seek a method of accountability is how a long-standing media council can be formed. This paper looks at the events leading up to the hearing of the first complaint by the Minnesota News Council in September 1971 with a goal of determining how decisions were made concerning procedure, membership on the council and relationship with the founding body. Hypotheses culled from the history of press council debate and to be tested by this study are:

- The Minnesota Newspaper Association intended the council to be an internal discussion group which used peer pressure to influence newspapers to "do right" rather than a formal, quasi-legal body which serves as an alternative to the legal system.
- To avoid pressure from advocacy groups in the community, public members would be chosen for their individual integrity rather than allegiance to certain groups or factors in the community.
- Newspapers would oppose the concept of a council which allowed non-journalists to pass judgment on their performance.

History of the Press Council Debate

The question of accountability for professions which affect the lives of others is a long-standing one. Accountability is especially important in areas where repercussions are indirect and based on moral or ethical considerations. In these areas, there frequently is no concrete, objective way to measure the specific cause-and-effect relationship between harm to members of society and the actions of a powerful party. Accountability calls for such groups to have consistent

---

[4] Interview with J. Edward Gerald, May 3, 1988.

[5] Interview with Tom Patterson, Executive Director, Minnesota News Council, May 17, 1988. The News Council had handled 1,049 cases and made 75 determinations as of this date.

means of answering to the public for their actions, much as the medical profession has ethics boards which have power to evaluate, make subjective decisions about and sanction in cases of questionable actions by doctors. The legal profession has bar associations to serve the same purpose. In these examples, some form of licensing or prior approval of practitioners is involved, a situation which does not fit well into the American concept of freedom of the press. This is one reason the American press has not been subjected to similar means of public accountability, although their actions and power frequently harm individual members of society.

Through the periods of the partisan press and yellow journalism, the only options of recourse for those who felt they had been wronged by the press were violence or the courts. But as the attitudes of the public and the press began to sway toward a social conscience in the 1920s, some journalism leaders began to say the press should be responsible to someone in some way. As early as 1923, the American Society of Newspaper Editors created a code of ethics and in 1932 the organization adopted a constitutional provision which would allow censure and expulsion of members. In practice, these were "paper tigers," since the powers were not used due to the controversy surrounding them.[6] In 1947 the Associated Press Managing Editors Association led a movement to create the first "mass self-examination project in American journalism." Basically internal in structure and producing studies of varying quality and importance, the project allowed AP managing editors to question established journalistic techniques and make suggestions concerning news policies.[7]

As a means of providing accountability for press performance, the news council concept received strongly worded opposition when first presented by the Hutchins Commission in 1947.[8] The commission, funded by Henry Luce and Encyclopaedia Britannica, Inc., as a reaction to news coverage during World War II, was set up to study the condition of the press and find ways to

---

6 Press Councils and Press Codes, Zurich: International Press Institute Research Service, 1966, p. 84.

7 Isaacs, p. 18.

8 Blanchard, Margaret A. The Hutchins Commission, the Press and the Responsibility Concept, Lexington, Ky.: Association for Education in Journalism, Journalism Monographs, 1977, p. 33

assure the press would remain free in America.[9] The Hutchins Commission, which was an independent group of 13 academicians headed by Dr. William Hutchins, spent four years on their study.[10] In its 1947 report, the commission called for a responsible and accountable press and, for the first time, formally urged "the establishment of a new and independent agency to appraise and report annually on the performance of the press.[11] The Chicago Tribune, one of many news organizations which criticized the report, said the commission's recommendations were apparently "a major effort in the campaign of a determined group of totalitarian thinkers . . . who want to discredit the free press of America."[12]

Since that time, however, various members of the press and educational communities throughout the country have discussed and worked toward such an agency to judge the press. Their efforts have been thwarted by confusion about what the mission of such a body should be, the complexity of procedures necessary to carry out such a mission, problems with funding and lack of encouragement from other members of the press who are apprehensive about answering to anyone concerning news judgment and procedures.

By 1953, Sigma Delta Chi approved an investigation of press conduct and appointed Norman Isaacs to head the Sigma Delta Chi ethics committee charged with conducting the examination. The group sought to carry out a study of the 1956 presidential election coverage. To attract funding, they were asked to determine if at least a majority of the nation's publishers saw merit in the proposal. Only seventeen publishers in the country were willing to support such an effort; the remainder were opposed, some of them vehemently.[13]

Possibly the earliest American attempt to create a local press council was in 1950 when William Townes, publisher of the Santa Rosa (Calif.) Press Democrat, created a "citizen's advisory council" to discuss community interests with him. Although Townes made it clear that he would

---

9 A Free and responsible Press, Chicago: The University of Chicago Press, 1974, p. v.
10 Blanchard, p. 31.
11 A Free and responsible Press, p. 100.
12 Hughes, Frank. "A Free Press (Hitler Style) Sought for U.S.," Chicago Tribune, March 27, 1947, p. B36.
13 Ibid.

not change the paper's policies, he indicated he was willing to listen to what community members had to say. Through this experiment with getting closer to the community, the newspaper uncovered several important stories that had not been covered and found that members of the community were willing to challenge unfounded criticism of the paper from other members. The press council operated until Townes left Santa Rosa in 1951.[14]

The idea of councils to evaluate press performance lay dormant until 1963 when Barry Bingham, president and publisher of the Courier-Journal and the Times of Louisville, Ky., presented a "publisher's proposal" before the annual Sigma Delta Chi convention. In his address, he advocated the "formation of a voluntary, unofficial press council in each sizable community . . . (to) provide a lively forum for criticism and defense. It could bring the responsible journalist face to face with his readers to debate the issues of press responsibility, with a small, informed group to act as arbitrators." Bingham saw these councils as providing feedback to the press about the public's dissatisfaction concerning press coverage as well as producing "the broadest kind of exposure for the journalist's case, under conditions that would arouse public interest and quite possibly open minds to a new appreciation of newspaper problems." His proposal called for a council of prominent citizens, excluding those with direct or indirect connections with politics, who would read local and out-of-town papers thoroughly and analytically for purposes of comparison and discussion. Bingham called the councils a civic service of unusual character, opposed appointment by any elected official and called for supervision by the dean of nearby journalism schools. His plan included the following explanation:

> Such a foundation of public trust is the only permanent protection against censorship, against government control, against any of the other outside influences we dread . . . Our readers, our public, are our first concern. When we establish a partnership of understanding with them, we serve two purposes at once: we advance our readers' interests, and we protect our own.[15]

---

[14] Rivers, William L. "The Dinosaur and His Critics," Backtalk, Press councils in America, San Francisco: Canfield Press, 1972, pp. 12-13.

[15] "Plan for Local Press Councils," Columbia Journalism Review, Winter 1964, p. 46.

Bingham was the first major American publisher to give public support to the idea of press councils, and his proposal received criticism and comments from a number of sources. One comment of caution was found in an editorial in Editor & Publisher:

> . . .(T)he one cherished possession every newspaper must protect is its independence of thought and action. It must chart a course and follow the compass to the best of its ability with all the guidance and advice it can get from its friends and enemies.
>
> A local press council if it is established by a newspaper and operated in public in a goldfish bowl before a television audience -- no matter how "unofficial" it may presume to be -- may take on an atmosphere of a committee with influence beyond its powers. No paper can be edited by a committee and it would be unwise to mislead the public into believing it can.[16]

Another comment, by J. Russell Wigging, former executive editor of the Washington Post, concerned possible community pressures on freedom of the press:

> The committee might become in many cities the channels through which the worst special interest groups would bring pressures to suppress or withhold news. They might make the collective opinion of the community irresistible at the very moment when that opinion was the most misguided and most in need of contradiction and restraint . . . . The real danger of such committees, of course, is that they might make the press even more subservient to the mores of the community and more than ever the prisoner of the establishment.[17]

In 1967, Lowell Mellett, the first editor of the Washington Daily News, left the American Newspaper Guild 1884 shares of Scripps-Howard Investment Company stock and directed that the bequest be used " to encourage more responsible performance by the press without infringing First Amendment freedoms."[18] Ben Bagdikian, who was appointed president of the Mellett Fund, thought local press councils offered an opportunity to carry out the mandate, and he used the funds to commission six experimental press councils under the direction of university professors across the country.

The two most important of these councils involved the Bend (Ore.) Bulletin and the Redwood City (Calif.) Tribune in a nine-month experiment directed by William B. Blankenburg and William L. Rivers of Stanford University. Each council was make up of nine "average" citizens who

---

16 "Local Press Council," Editor & Publisher, Nov. 16, 1963, p. 6.

17 Isaacs, p. 22.

18 Ben H. Bagdikian. "Introduction," Backtalk: Press Councils in America. Eds: William L. Rivers, William B. Blankenburg, Kenneth Starck and Earl Reeves. San Francisco: Canfield Press, 1972, p. vii.

met monthly as equals with the newspaper publisher in the private dining room of a local restaurant to discuss press coverage. The councils had no power to censure or affect change on the newspaper's coverage or policies and served purely as a discussion group.

The torch was carried on in 1970 when Elie Abel of Columbia University's Graduate School of Journalism spoke at the University of Minnesota. In his address, he said, "It is my sober -- and sobering -- opinion that if we do not make the effort to police our own ranks . . . then others, less qualified and less kindly disposed, will move in."[19] Abel challenged the Twin Cities to lead the way in testing regional press councils. Within a year after Abel's speech, a number of efforts to establish governmental press councils arose. The Washington state legislature discussed a press council to be appointed by the governor and funded by the state government. In Iowa, the American Legion urged formation of a government agency to deal with complaints against the media. And a Minnesota state representative revealed he was "preparing legislation to set up a press council by statute, with the council empowered, if it found against a newspaper, to prohibit receipt of public legal advertising . . . for one year. The council would consist of a district judge and a representative of each of the major political parties."[20] Although such a move would probably have fallen under First Amendment scrutiny, the mere proposal was enough to get the attention of the press and make them take notice of Abel's prediction.

The Minnesota Council, however, was unlike anything that had gone before in America, and its beginnings predate Abel's speech. The Minnesota Council was established by the newspaper trade association, was to be state-wide, would actually hear cases and would release determinations to the public. In appropriate cases, it would serve as an alternative to the legal system for settling disputes between the press and the public. Nothing of this magnitude or with this purpose had been attempted before in this country, and other councils attempted without success or established since with variations on the theme no longer function. These differences

---

19 Balk, Alfred. "Minnesota launches a press council," Columbia Journalism Review, November-December 1971, p. 24.

20 Ibid, p. 25.

and the Minnesota Council's longevity make it important to look for keys to success in the planning which created the council.

Method

To evaluate the beginnings of the Minnesota Press Council, it is especially important to understand the thinking of those involved in the earliest stages of the formation of the council. Two of those persons, Robert MacGregor Shaw, former manager of the Minnesota Newspaper Association, and J. Edward Gerald, former professor of Journalism at the University of Minnesota who was involved in the establishment of the Minnesota Council and has studied press councils in America and Europe, were available for oral history interviews concerning the formation of the Minnesota Council. Both were most gracious with time, information and leads. In addition, minutes of the Minnesota Newspaper Association for 1969 through 1971 were examined for official information about how the association approached the idea of a council.

The hypotheses for this study came from reading about news councils in this country and the reactions of the press to earlier efforts to establish news councils. The assumption was that Minnesota would react in a similar manner. Questions for the oral history interviews were carefully worded and open-ended to avoid presenting biases derived from earlier studies of press councils. Interviewees were encouraged to talk freely about the formation of the council, its purpose and the reasons decisions were made.[21] Because oral history has inherent weaknesses surrounding the fallibility of human memory, the Minnesota Newspaper Association minutes; a telephone interview with Tom Patterson, current executive director of the Minnesota news Council; and a study of the Minnesota News Council by Robert Schafer[22] were used to verify the accuracy of information from the interviews.

---

21 Interviews were in person , with Shaw at his home at 4400 36th Avenue north, Robinsdale, MN, on April 28, 1988, and with Gerald at the University of Minnesota School of Journalism and Mass Communication, Murphy Hall, Minneapolis, MN, on May 3, 1988. Transcripts of the interviews are available from the author. A follow-up interview to clarify several discrepancies was held with Shaw by telephone May 17, 1988. Notes from that interview are also available.

22 Schafer, Robert Mills, The Minnesota Press council, Unpublished Master's Thesis, University of Minnesota, 1982.

Findings

Robert MacGregor Shaw was certainly aware of the political mood concerning the press in the early 1970s and of Vice President Spiro Agnew's blasting of press performance in speeches from Washington. As manager of the Minnesota Press Association since December 1964, he had been heavily involved in lobbying for newspaper causes, but his concern about press ethics was not born of a fear of governmental control of the press. It came from a long-standing, continuing concern for ethical behavior in the press which began in the late 1950s and early 1960s when he was a weekly newspaper editor, part-time journalism professor and assistant manager of the Washington State Newspaper Publishers' Association. During that time, he said, he "deliberately sabotaged" an effort to have an ethics conference because the president of the Washington State Association was derided for even suggesting the idea. "I knew it wouldn't work. I knew we wouldn't get a crowd. But I guess I just picked up on the coloration of the board at that time. They just laughed," Shaw said.[23]

But by 1965, Shaw began a major effort to get the Minnesota Newspaper Association to take some action about abuses he saw as manager of the association. He told the board:

> Look, there is a guy up in northwestern Minnesota who is double-billing . . . He's doing it, he's getting away with it, and what are we going to do about it? I propose that we have a committee . . . and when I learn of something like this, or when anybody learns of an ethical violation, they inform this committee, and then what the committee should do is call this man in to talk to him about it. Or go up there and talk to him about this problem. . . . They said, "Okay, what are you going to do then? Suppose he says 'To hell with you'? We're not law enforcement officers and so forth." I said, wait a minute. I think that by just merely wanting to discuss it, by letting him know that we know that he's doing something wrong, this could have a salutary effect and we might be able to do some good, because people like this are giving us a bad name.[24]

Shaw did not get the support of the board then, but he did become involved in the Fair Trial-Free Press Council of Minnesota, a body designed to discuss common problems of the legal system and newspapers in the coverage of trials.

---

23 Interview with Robert MacGregor Shaw, April 28, 1988.
24 Ibid.

> We'd meet from time to time and talk about our common problems . . . I got to hear their point of view, so I sort of shifted (my own) view on things. But it was a real opportunity to get them to shift their point of view, too. Which we did. We all got to learn the efficacy of discussion. When you're discussing (with) people not representing any constituency . . . you respect each other. So we did some good things.[25]

Shaw saw a method which might work with problems between the press and the public. In December 1969, Shaw tried again and got more favorable reaction on establishing an ethics committee. At that meeting, one of the board members suggested more background be gathered on the idea and the information sent to the board in advance of the next meeting.[26] By the January meeting, Shaw had contacted the Michigan Press Association to see how that group handled complaints. At the January meeting of the Minnesota Newspaper Association, the Goals and Purposes Committee was broadened to include complaints against member newspapers and renamed the Goals and Ethics Committee. The committee's duties and responsibilities were to be established later.[27]

In February, board members pulled back. "It was the consensus, without a motion, that the new procedure be limited to complaints within the newspaper community as opposed to complaints about newspapers brought by persons not connected with the newspaper industry."[28] But by April, one board member was openly supportive of Shaw's ideas. "(Phil) Duff said that as he remembered it, the Goals and Ethics Committee would receive complaints from outside the association in addition to complaints which one Minnesota Newspaper Association member might have against another one. After discussion, he said he hoped the Goals and Ethics Committee would decide to do this." The Committee was to convene, study and make recommendations.[29]

---

25 Ibid.

26 Minutes of the Minnesota Newspaper Association meeting held at the Minnesota Press Club, Minneapolis, MN, December 5, 1969. The minutes of the board meetings are available in the files of the Minnesota Newspaper Association offices at 12 Sixth Street South, Minneapolis, MN.

27 Minutes of the Minnesota Newspaper Association meeting held at the Minnesota Press Club, Minneapolis, MN, January 23, 1970.

28 Minutes of the Minnesota Newspaper Association meeting held at the Radisson Hotel, Minneapolis, MN, February 26, 1970.

29 Minutes of the Minnesota Newspaper Association meeting held at Minnewaska House, Glenwood, MN, April 17, 1970. Emphasis in original.

In July, the Goals and Ethics Committee presented a procedure for hearing complaints, and they received unanimous authorization to go ahead if any complaints were received from Minnesota Newspaper Association members or the public.[30] But by the September meeting, a third draft of a proposed procedure for hearing complaints by the committee received less enthusiastic response. The vote was three for and three against with the president voting to break the tie for accepting the procedure and code of ethics to guide the committee.[31]

The procedure called for publicizing the complaint procedure to Minnesota Newspaper Association members and the public, receiving and processing written complaints and handing the complaints in the meetings.

> All publicity should emphasize that the committee has *no binding authority,* and seeks none, to control its members. Instead--resting solidly on the experience gained in the Minnesota Fair Trial-Free Press Council-- Minnesota Newspaper Association puts its confidence in the value of discussion as a way to resolve differences. It is conceivable that some case might involve such flagrant violation of ethics as to require expulsion from Minnesota Newspaper Association membership. This would be a matter for the committee to recommend but for the Minnesota Newspaper Association board to decide . . . There shall be no "findings," and both sides should be made specifically aware that the association is merely providing a forum to hear and attempt to settle complaints . . . The consensus seemed to be that no mention be made of any "results" of the meeting or even the existence of the meeting to other Minnesota Newspaper Association members.[32]

Public members were still not included on the committee, and Shaw said that this development was accidental. "At one meeting, and this was an accident, truly accidental, there were two other men on the board who saw things as I did . . . Phil Duff . . . and . . . Gordon Speilman . . . . I probably said we gotta get public members on this thing. That's the only way anything like this is gonna work. And the board, they went along with my nutty ideas. . . . So when I proposed this, then Phil and Gordy came right out of the woodwork. We hadn't discussed this

---

30 Minutes of the Minnesota Newspaper Association meeting held at Pinecrest Lodge, Lake Kabetogama, Ray, MN, July 11, 1970.

31 Minutes of the Minnesota Newspaper Association meeting held at the Minnesota Health Club, Minneapolis, MN, September 18, 1970.

32 Complaint Procedure, Minnesota Newspaper Association, September 11, 1970, in the files of the Minnesota Newspaper Association offices at 12 Sixth Street South, Minneapolis, MN. Emphasis in original.

ahead of time at all. It wasn't a planned conspiracy, you might say, but they came out and said that they thought this might be a good idea."[33]

Shaw also received direct support for his ideas from the Minneapolis Star and Tribune. In December, Gordon Speilman, vice chairman of the Goals and Ethics Committee, reported on a meeting with Otto Silha, Robert W. Smith and Bower Hawthorne of those newspapers who expressed interest in expanding the Goals and Ethics Committee to include a committee of approximately twelve or thirteen, including public members. The Board unanimously agreed that the Minnesota Newspaper Association should "sponsor and take steps to set up a press council consisting of 50 percent members within the Minnesota Newspaper Association membership and 50 percent non-members; that the Goals and Ethics Committee draw up plans for this council; and that the board nominate members to this council, inviting non-Minnesota Newspaper Association members to participate."[34]

By January, non-member nominations had been solicited from Associated Press Managing Editors, the Newspaper Guild of the Twin Cities, Sigma Delta Chi and the Minnesota Press Women as well as from Minnesota Newspaper Association members. The council was to be made up of 18 members, nine Minnesota Newspaper Association members and nine public members. The board voted unanimously that "non-newspaper members of the council not be considered to represent organizations, but that these people would be selected on the basis of their individual merit." Minnesota Newspaper Association members were elected, and non-members were approved by the board and invited to participate. Based on Shaw's understanding of the British Press Council, a high-court judge, Minnesota Supreme Court Justice James C. Otis, was asked to chair the council. Board members voted that "the council be informed of the procedures which Minnesota Newspaper Association has adopted for hearing cases involving complaints." Minnesota Newspaper Association offered the use of its facilities as necessary for

---

33 Interview with Robert MacGregor Shaw, April 28, 1988.

34 Minutes of the Minnesota Newspaper Association meeting held at the Minnesota Press Club, Minneapolis, MN, December 4, 1970.

the functioning of the council but to involve no more than incidental expense. The Minnesota Newspaper Association also retained the right to review and appoint all council members each year.[35]

With this meeting, the council was set free from the Association with four-page guidelines and no funding. Shaw contacted potential public members, and all but two of the original public members, Elmer L. Anderson and Otis, accepted the invitation to serve on the council. To retain a judge as chairman, Minnesota Supreme Court Justice C. Donald Peterson was asked to become chairman, and he accepted. Other public members of the council were D. Malcom Moos, president of the University of Minnesota and former speech writer for President Dwight D. Eisenhower; Warren H. Spannaus, State Attorney General and former newspaperman; Annette Whiting, an official of the Minnesota League of Women Voters; Gordon Rosenbeier, attorney and former state senator; Dr. J. Edward Gerald, professor of Journalism at the University of Minnesota; Dr. Earl D. Craig, Afro-American Studies specialist at the University of Minnesota; James L. Hetlund Jr., law professor and former executive director of the Minnesota Metropolitan Council; and James Bormann, director of news and public affairs for WCCO Radio who was classified as a public member because the council heard complains only about newspapers.[36] Newspaper members were Philip Duff Jr., publisher of the Red Wing Republican Eagle; Bower Hawthorne, executive editor of the Minneapolis Tribune; Kenneth V. Hichman, editor of the Grand Rapids Herald-Review; Lowell D. Mills, publisher of the Hutchinson Leader; Cecil E. Newman, publisher of the Minneapolis Spokesman; Jerry Ringhofer, managing editor of the Owatonna People's Press; Bernie Shellum, reporter for the Minneapolis Tribune and the only working reporter; Gordon Speilman, editor of the St. Paul Union Advocate; and Shaw.[37] Although the

---

35 Minutes of the Minnesota Newspaper Association meeting held at the Minnesota Press Club, Minneapolis, MN, January 19, 1971.

36 Balk, Alfred. "Minnesota launches a press council," Columbia Journalism Review, November-December 1971, pp. 22-27, 26.

37 Healey, Gerald B. "Press Council in Minnesota hailed for two-way education," Editor & Publisher, April 3, 1971, p. 12.

membership was divided equally between public and Minnesota Newspaper Association representatives, at least four of the public members had some journalistic background.

Within a few weeks, the council held its first meeting. The Constitution of the Minnesota Press Council dates formation of the body on February 19, 1971, and calls it a "voluntary extra-legal body" whose purpose is to

> preserve the freedom of the press; to maintain the character of the press in accordance with the highest professional standards; to consider complaints about the conduct of the Minnesota press, including advertising, as well as the conduct of persons and organizations towards the Minnesota press, and to deal with these complaints in whatever manner is reasonable practical and appropriate; to review, on a continuing basis the performance of the Minnesota press regarding matters of general public interest; and to urge and assist the Minnesota press in the fulfillment of its unique responsibility to perform in the public interest.[38]

Shaw said the speed with which the council began work was the secret to its success. "I daresay . . . if this had been handled by anybody with a bureaucratic background, it wouldn't have worked . . . because it would have taken too long and people would have lost interest. But we got it going in a matter of days, and from then on it had a life of its own . . . At the very first meeting without any prompting, I think it was Moos made the declaration, 'If we're going to do this, we're not going to appear to be controlled or influenced by the newspaper association. We're going to be our own independent thing.' That was a very good thing to state at the very inception of this thing."[39]

At that meeting, the council decided to take further steps at independence by asking Hetlund and Gerald to draft procedures for hearing complaints. The committee was asked to keep the procedure as simple as possible so it could be an informal hearing of complaints between two parties without a lot of legal maneuvering. The two incorporated elements from the guidelines they had been given, Hetlund's experiences in the legal profession and Gerald's knowledge of the British Press Council. After this work was done, the Minnesota News Council announced formally on September 9, 1971, that they were ready to hear complaints. Within nine days, the first complaint was filed after secret maneuverings by Shaw to get the complainant to take his

---

[38] Schafer, p. 322.
[39] Interview with Robert MacGregor Shaw, April 28, 1988.

problem to the council. The first case was against Gordon Speilman, a member of the council. Shaw remembers:

> (A board member) came to me, bitterly complaining about Gordon Speilman, something that he had written in the Union Advocate about Ernie Lindstrom. And I said, "Take it to the press council. Please." I begged him to take it to the press council because we needed the business (to get started) . . . He didn't know if he would, and . . . I kept calling him. I had to practically get down on my knees . . . So that's kind of a strange position for a newspaper association executive to be in, to beg somebody to take a complaint, not just against a newspaper publisher, but a newspaper publisher who's on his own board. Of course, I was doing that secretly.[40]

By the time the first complaint was heard, the procedures for hearing complaints, which had been taken from concepts used by the British Press Council and the legal concepts of written complaint, formal hearing, presentation of evidence and cross-examination of witnesses, were refined to the point they have received little revision during the life of the council. As in Shaw's original presentation to the board in 1965, publicity was to be the only sanction, but unlike the secret nature of earlier board recommendations, newspapers throughout the state would be encouraged to publish determinations by the council. In addition, steps were taken to prevents newspapers from being harassed by trivial complaints and individual journalists from being set up as fall guys for their newspapers. These concerns produced steps to require attempts to solve all disputes by less formal means on the local level before the council would accept the complaint and called for complaints to be filed against the news organizations, not individuals.[41]

The council was not really independent, and Shaw admits the question of funding "wasn't even discussed (by the Minnesota Newspaper Association board). . . . That's another thing that could have shipwrecked the whole idea . . . I'm reminded of many weekly publishers. If they knew the true facts, they'd fold the paper. If we had a realist there who said, 'Wait a minute. This thing's gonna cost money' and so forth, then we would have had people say, 'We better pull

---

[40] Interview with Robert MacGregor Shaw, April 28, 1988.
[41] Schafer, pp. 133-134.

back. We better wait until we get some money.' You know there would have been a hundred reasons not to move on it, and the lack of money could certainly have been a legitimate reason. What happened was the newspaper association did the work, paid the bills for a little while. I mean secretarial work, my time, stamps, all that stuff. The association subsidized them."[42]

The problem of funds for the council has never quite been solved,[43] and this is a continuation of historic problems with funding for councils, according to Gerald:

> Press councils have a curious history of funding. From the original effort to fund the council made, I was for taking the case to the public. Letting the public finance it. Other members, obviously the majority, they were for taking the case to the foundations and letting them make the contributions. The foundations worked rather well until three or four years into the history. All of the foundations, with the exception of one, dropped out. They dropped out because there was simply nothing to encourage them. The people were not interested in the press council; that was what the foundations decided, and they dropped out for no other reason than that.[44]

Shaw also says that the council would probably have been sabotaged by members of the association if they had know what was planned. "If we had proceeded in a democratic way, it would never have taken place -- if the members had voted on it. We (the Minnesota Newspaper Association board) simply did it, and announced it, and it got going."[45]

Gerald agrees that if the newspapers had been allowed to debate the formation of the council, it would not have been formed. The acceptance of the newspapers is "wholly due to the fact that the Minnesota Newspaper Association stopped the criticism in the beginning. In Wisconsin, you'll notice the newspaper people raised the hue and cry, they shivered in fear, they caused more trouble in the session that decided (not to form) the press council. The academic people voted 'Yes' and the newspapers voted 'No.' . . . Newspapers can stir up enough fear

---

[42] Interview with Robert MacGregor Shaw, April 28, 1988.

[43] Glasser, Theodore L. "Press Release," Twin Cities, December 1987, pp. 113-116.

[44] Interview with J. Edward Gerald, May 3, 1988.

[45] Telephone interview with Robert MacGregor Shaw, May 17, 1988.

about the press council in any state that they'll never get started except where newspaper people become willing to start it."[46]

By the time the newspaper publishers in Minnesota realized the implications, the first official state-wide news council designed to hear and decide on cases had been formed and was functioning. It was unlike any American council before it, Gerald says. "You make a mistake when you compare the press councils that existed before the Minnesota Council with the Minnesota Council. They (the earlier councils) were simply debating societies. The Minnesota Press Council adjudicated cases, took a final step by holding a hearing and deciding on the basis of the hearing what should be done. And writing an opinion. They (other councils) were wholly unlike the Minnesota Council."[47]

The newspapers accepted the council with little complaint, Shaw said:

> We had one man . . . who runs the Crookston newspaper . . . a small daily up there, and he exploded and made a lot of noise about this. But he was the only one . . . I was surprised at this. I didn't think we could get away with it . . . We were in a strong and good position with our members, so I think many of them might have said, 'Well, it sounds nutty to me, but they're selling lots of advertising for us, and we're doing all right in the legislature, so we won't raise any ideological questions.' . . . I was really surprised that nobody else came out of the woodwork and said, 'Hey, wait a minute.'
>
> From the beginning, the major newspapers gave it good, solid, fair coverage, and the wire services would pick up the determinations and send them all out state, too . . .
>
> We had real good people and they didn't feel they were representing any constituency. They were speaking for themselves. If we had blacks reporting to blacks and Jews reporting to Jews and Catholics reporting to Catholics, it would have been a farce. And it would have failed. (Also) we had the support of the Minneapolis Star and Tribune. You must have that. You must have the support of the largest daily in your state or it won't work.[48]

---

[46] Interview with J. Edward Gerald, May 3, 1988.
[47] Ibid.
[48] Interview with Robert MacGregor Shaw, April 28, 1988.

The Minnesota Council has worked for almost eighteen years, and Shaw and Gerald say the major problem with the council is funding. Shaw is especially enthusiastic when he talks about the unique nature of Minnesota's council:

> I'm particularly proud of what happened in Minnesota . . . I used to go to national meetings where the managers of other newspaper associations would meet, and many of them thought that our press council was just the most radical, irresponsible thing that ever happened. They'd never, never get into the position of doing that in their states. And it had been considered in many states, but it never had the leadership that it took to get it going plus the accidents that I mentioned . . . The original intention of the (Minnesota) press council (wasn't) to develop case law for journalistic ethics. It was merely to give the poor bleeding public a chance to register their just complaints in a fair process. . . .
>
> Shake this thing all down, there isn't anything wrong with it that money wouldn't cure. But how do you get money (from newspapers) for a self-inflicted wound, something that looks like going to court? That's harder than hell.[49]

Discussion

Shaw calls the Minnesota Press Council an anomaly, and he and Gerald stress that the council is not the same as any other council in another place or time. Its longevity implies there is something right about the process which evolved and still is in use in Minnesota. Keys which surfaced from this research are that support of newspaper professionals is vital, extensive philosophical discussion about establishing a press council can be detrimental and strong leadership is needed on the actual council. But probably the most important element is the dedication of a champion for the cause, such as Shaw, who keeps on keeping on with determined efforts to establish a workable news council.

As expected, the first hypothesis that the Minnesota Newspaper Association board members intended to create an internal discussion group instead of a quasi-legal body is evident in the Minnesota Newspaper Association board-meeting minutes and Shaw's recollections. It was

---

[49] Ibid.

not until the council took on an air of independence from the Minnesota Newspaper Association that the procedures evolved into a formal hearing style and public determinations were included in the process.

Hypothesis two, which says that members of the council would be chosen for their individual integrity instead of special interests, also was supported. The Minnesota Newspaper Association board minutes, Shaw and Gerald expressed concern for avoiding allegiance to special-interest groups and insistence on selecting members for their personal reputations and sense of fairness.

Hypothesis three, which predicted newspaper opposition to the council, was not supported, and that fact was obviously a surprise to Shaw and Gerald at the time the council was founded. The timing and process of setting up the council, where Shaw dealt with seven or eight publishers instead of the entire membership, made it easier for Shaw to communicate positively about his ideas for an ethics-evaluative body. The newspapers' willingness to publish determinations from the beginning is evidence of acceptance of the council idea instead of rejection. Possibly a more revealing study in this area would be to actually measure the space, frequency and prominence of articles about decisions.

Conclusion

A number of geographic areas have attempted press councils and even more have discussed the possibility of forming a council. These attempts have had varying success for a number of reasons. But none remains as an active council which adjudicates cases and serves as an alternative to the legal system where disputes with the media are concerned. In the mid-1980s, the Wisconsin task force to determine the feasibility of forming a news council encountered opposition from the media during a long study process. The proposal for a press council in that state was defeated before a council was attempted. Insight from Shaw would indicate that the way to form a council is to just do it and not ask for input from others until the council is a reality. More study is needed before this approach is strongly supported, but

Minnesota's experience in media accountability should not be overlooked by those interested in forming a council or other alternative to the legal system for handling disputes between the public and the media.

The Minnesota Press Council provides an interesting subject for studying accountability of the press in America due to the length of time the council has functioned, the formal nature of its procedures and determinations and the availability of well-kept, extensive records. The history of the Minnesota Press Council can provide valuable keys to a successful arbitration system for disputes between the press and the public concerning press performance.